

## AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007  
DEPARTMENT: PLANNING AND DEVELOPMENT  
ITEM DESCRIPTION: SDR-18693 - APPLICANT/OWNER: SPANISH VILLAS AT SAHARA, LLC

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### **\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

#### **Planning and Development**

1. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. All development shall be in conformance with the site plan, date stamped 03/16/07 and building elevations, date stamped 12/12/06 except as amended by conditions herein.
3. A Waiver from Title 19.12.040A is hereby approved, to allow perimeter landscape buffer widths of five feet along the east property line; two feet along the south property line; and six feet along the west property line where 15 feet is the minimum required and to allow interior landscape buffer widths of six feet where eight feet is the minimum required along the north property line.
4. An Exemption from Title 19.12.040B is hereby approved, to allow six trees in the north property line buffer where 48 are required.
5. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to reflect the provision of four accessible handicap spaces.
6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: the provision of parking lot trees at a ratio of one tree for every six spaces, to be provided with parking lot planters that meet the requirements of Title 19.10.

7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
8. Coordinate with the City Surveyor to determine whether a Reversionary Map or other Map is necessary. If such a map is required, it shall record prior to the issuance of the Building Permit.
9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.
16. The drive-through shall be redesigned to wrap three sides of the building, entering off of the north side of the drive.
17. There is no retail drive-through approval as part of this action.

*Public Works*

18. Provide sufficient protection of the existing public sewer line located within the 10-foot Public Sewer Easement located within the southwest portion of this site during construction of this site. Alternatively, provide a relocation and abandonment plan acceptable to the Department of Public Works prior to the submittal of any construction drawings for this site.
19. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
20. Submit an application for a deviation from Standard Drawing #222a for the driveways accessing this site from Sahara Avenue, Richfield Boulevard, and Spanish Oaks Drive.
21. Sign a Covenant Running with Land agreement for the possible future installation of a bus turnout/deceleration lane east of the middle driveway accessing this site on Sahara Avenue. The Covenant agreement must be recorded with the County Recorder and a copy of the recorded document must be provided to the City prior to the approval of any construction drawings for this site.
22. Landscape and maintain all unimproved right-of-way, if any, on Sahara Avenue adjacent to this site.
23. Obtain an Occupancy Permit from the Nevada Department of Transportation (NDOT) for all landscaping and private improvements in the Sahara Avenue public right-of-way adjacent to this site.
24. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
25. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or

concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

26. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the submittal of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

On March 16<sup>TH</sup>, the applicant amended this a request for a Site Development Plan Review, which now consists of a four-story, 42,000 square-foot office building, with a 2,450 square-foot restaurant with drive-through, a 44,992 square-foot retail/office building and waivers to allow perimeter landscape buffer widths of zero feet along the east property line; two feet along the south property line; six feet along the west property line where 15 feet is the minimum required and to allow interior landscape buffer widths of two feet where eight feet is the minimum required along the north property line on 7.68 acres at 3100-3190 West Sahara Avenue.

A related Variance (VAR-18984) to allow a 10 foot front yard setback where 20 feet is the minimum setback required will be considered concurrently.

**BACKGROUND INFORMATION**

<b><i>Pre-Application Meeting</i></b>	
11/28/06	The Residential Adjacency Standards, landscaping standards, handicap parking requirements, and setback issues were discussed.
<b><i>Neighborhood Meeting</i></b>	
	A neighborhood meeting is not required for this application.

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
09/26/73	The Board of City Commissioners approved a Rezoning (Z-0066-73) application for the reclassification of property generally located between West Oakey Boulevard on the north, West Sahara Avenue on the south, South Valley View Boulevard on the west, and Richfield Boulevard on the east, south of Westwood Village Tract and west of Springhurst Townhouses, from R-1 (Single-Family Residential) and R 3 (Medium Density Residential) to R-PD6 (Residential Planned Development - 6 Units Per Acre), R-4 (High Density Residential) and C-1 (Limited Commercial). The Planning Commission and staff recommended approval.
09/27/84	The Board of Zoning Adjustment approved a Variance (V-0099-84) to allow auto sales for one day only in the months of February, May, August and November of every year where such is not permitted on property located at 3100 West Sahara Avenue. Staff recommended denial.
12/02/04	The Planning Commission accepted a request to Withdraw Without Prejudice a Special Use Permit (SUP-5471) for a Facility to provide testing, treatment, or counseling for drug or alcohol abuse at 3150 West Sahara Boulevard Avenue, Suite #B22. Staff recommended approval.

12/02/04	The Planning Commission accepted a request to Withdraw Without Prejudice a Special Use Permit (SUP-5472) for a Sex Offender Counseling Facility at 3150 West Sahara Boulevard Avenue, Suite #B22. Staff recommended approval.
01/27/05	The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a Special Use Permit (SUP-5783) and Site Development Plan Review (SDR-5779) for a proposed Mixed-Use Development on the properties located at the northwest corner of Sahara Avenue and Richfield Boulevard.
06/01/05	The City Council approved requests for a Special Use Permit (SUP-6219) and for a Site Development Plan Review (SDR-6220) for a seven-story mixed-use development including 303 residential units and 20,250 square-feet of office, and a waiver of the 15-foot rear yard setback. The Planning Commission recommended approval on 04/14/05. Staff had recommended approval.
10/19/05	The City Council approved a request for a Major Amendment to an approved Site Development Plan Review (SDR-8583) for a seven-story mixed-use development, consisting of 325 residential units and 23,695 square feet of office space and a waiver to permit a side yard setback of zero feet where 10 feet is the minimum setback required on 7.78 acres adjacent to the north side of Sahara Boulevard, between Spanish Oaks Drive and Richfield Boulevard.
02/22/07	The Planning Commission voted to hold this item in abeyance in an effort to allow the applicant an opportunity to meet with the neighbors and staff to resolve issues related to the site.
03/22/07	The Planning Commission voted to hold this item in abeyance in an effort to allow staff an adequate amount of time to review the revised site plans.
04/12/07	<p>The Planning Commission recommended approval of companion item VAR-18984 concurrently with this application.</p> <p>The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #35/ar).</p>

The following tables are intended to provide information regarding SDR-8583:

<b><i>STANDARDS</i></b>	<b><i>PROVIDED</i></b>	<b><i>COMPLIANCE</i></b>
Min. Setbacks		
• Front	20 Feet	Y
• Side	N/A	N/A
• Corner	15 Feet	Y
• Rear	Zero Feet	N
Max Building Height*	90 Feet	Y
Max. Lot Coverage	32.54 %	Y

USES	UNITS	REQUIRED			PROVIDED	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
<u>Condominiums</u>						
Studios	22	1.25 spaces/unit	28 spaces			
1-bedroom	49	1.25 spaces/unit	62 spaces			
2-bedroom	202	1.75 spaces/unit	354 spaces			
3-bedroom	30	2.00 spaces/unit	60 spaces			
Guest space	303	1/6 units	51 spaces			
Office	20,250 SF.	1 spaces/300 SF GFA	68 spaces			
Total			623 spaces	13 spaces	683 spaces	19 spaces

STANDARDS	REQUIRED		PROVIDED
	Ratio	Trees	
Parking Area	1 Trees/6 uncovered spaces + half of all trees at end of rows	24 Trees	24 Trees
Buffer:			
• Min. Trees (Sahara/Richfield/Spanish Oaks)	1 – 24-in. Box Tree/20 Linear Feet	84 Trees	84 Trees
• Min. Trees (north PL)	1 – 24-in. Box Tree/30 Linear Feet	32 Trees	50 Trees
• Min. Zone Width	8 Feet		8 Feet
• Wall height	8 Feet		8 Feet

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	7.68

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family Residential	L (Low Density Residential)	R-PD6 (Residential Planned Development – 6 Units Per Acre)
South	Offices, Restaurant, Cash Loan	SC (Service Commercial)	C-1 (Limited Commercial)
East	Office, Bank	SC (Service Commercial)	C-1 (Limited Commercial)
West	Office Complex, Bank	SC (Service Commercial)	C-1 (Limited Commercial)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>	X		
A-O (Airport Overlay) District	X		Y
<b>Trails</b>		X	
<b>Rural Preservation Overlay District</b>		X	
<b>Development Impact Notification Assessment</b>		X	
<b>Project of Regional Significance</b>		X	

The site is located within a portion of the Airport Overlay District where building height is limited to a maximum of 200 feet. The proposed office building in the southwest corner of the site, with a height of 74 feet 3 inches, complies with this standard.

## DEVELOPMENT STANDARDS

*Per Title 19.08, the following standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	N/A	7.68 Acres	Y
Min. Lot Width	100 Feet	360 Feet	Y
Min. Setbacks – Office Building			
• Front	• 20 Feet	• 10 Feet	• N*
• Side	• 10 Feet	• 25 Feet	• Y
• Corner	• 15 Feet	• 20 Feet	• Y
• Rear	• 20 Feet	• 40 Feet	• Y



Min. Setbacks – Restaurant	<ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	<ul style="list-style-type: none"> <li>• 20 Feet</li> <li>• 10 Feet</li> <li>• 15 Feet</li> <li>• 20 Feet</li> </ul>	<ul style="list-style-type: none"> <li>• 400 Feet</li> <li>• 280 Feet</li> <li>• 20 Feet</li> <li>• 520 Feet</li> </ul>	<ul style="list-style-type: none"> <li>• Y</li> <li>• Y</li> <li>• Y</li> <li>• Y</li> </ul>
Min. Setbacks – Retail/Office Building	<ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	<ul style="list-style-type: none"> <li>• 20 Feet</li> <li>• 10 Feet</li> <li>• 15 Feet</li> <li>• 20 Feet</li> </ul>	<ul style="list-style-type: none"> <li>• 805 Feet</li> <li>• 115 Feet</li> <li>• 105 Feet</li> <li>• 40 Feet</li> </ul>	<ul style="list-style-type: none"> <li>• Y</li> <li>• Y</li> <li>• Y</li> <li>• Y</li> </ul>
Max. Building Height	N/A	74 Feet 3 Inches	Y	

\*A variance to allow a reduction of the front setback will be considered under related application VAR-18984.

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	135 Feet	136 Feet 10 inches	Y
Adjacent development matching setback	5 Feet	136 Feet 10 inches	Y
Trash Enclosure	50 Feet	66 Feet	Y

*Per Title 19.12, the following standards apply:*

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/6 Spaces	69 Trees	61 Trees	N
Buffer:				
Min. Trees (North prop. line)	1 Tree/20 Linear Feet	48 Trees	6 Trees	N
Min. Trees (South, East and West prop. lines)	1 Tree/30 Linear Feet	56 Trees	74 Trees	Y
Min. Zone Width North prop line	8 Feet		6 Feet	N
South prop line	15 Feet		2 Feet	N
East prop line	15 Feet		5 Feet	N
West prop line	15 Feet		6 Feet	N

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Retail	13,740	One space for every 175 SF	79				
Restaurant, More than 2,000 square feet (with Drive-Through)	2,450	One Space for every 100 SF	25				
Professional Offices	158,137	One space for each 300 S.F. of GFA	528				
TOTAL (including handicap)			632	13	642	9	Y*
Loading Spaces			4		4		

\*Four more Accessible Parking spaces need to be provided. This issue has been addressed as condition of approval #5.

<b>Waivers/Exemptions</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
Six foot landscape buffer along north prop line	8 feet	Approval
Two foot landscape buffer along south prop line	15 Feet	Approval
Five foot landscape buffer along east prop line	15 Feet	Approval

Six foot landscape buffer along west prop line	15 Feet	Approval
Six trees in the north prop line buffer	48 trees	Approval
61 trees in parking lot.	69 trees	Denial

## ANALYSIS

This site is located on the north side of Sahara Avenue, between Richfield Boulevard and Spanish Oaks Drive. Because Richfield Boulevard has the least amount of street frontage, per Title 19.20 the Richfield Boulevard property line is the front of this lot. Staff also notes that a variance from Title 19.08.030 C (building height along streets classified as a collector or larger) would be required if Sahara Avenue were to be considered as the front of the lot.

The scope of this project will include the demolition of an existing structure (the former Jose Hog's restaurant) located in the southwest corner of the site and will provide for the construction of a 42,000 square foot, four story office building. This building will be located 10 feet away from the front (Spanish Oaks Drive) property line where a minimum setback of 20 feet is required. This setback issue will be considered under related application VAR-18984. Because the site plan could be revised so as to allow compliance with the setback requirements, staff is recommending denial of the variance and of this application.

A 2,450 square foot restaurant with drive-thru will be constructed in the south-central portion of the site, and a 44,992 square foot retail building will be constructed on the northwest corner of Richfield Boulevard and Sahara Avenue.

The other three existing buildings will remain. The parking lot will be reconfigured to include the deletion of the circular drive located immediately to the north of the driveway located in the middle of the site. The redesigned parking area will also include 61 new trees. However, based on the requirements of the Zoning Code, a parking lot of this size requires 69 trees. The applicant has requested a waiver of this requirement to allow a reduction in the amount of trees. Staff notes that the applicant is proposing to reconfigure the parking lot as part of this request, and that additional parking lot planter islands can be provided as part of this reconfiguration, perhaps by deleting some or all of the 10 excess parking spaces that are proposed. Therefore, staff does not support this waiver. This issue is addressed within Condition #6 of staff's recommendations.

The applicant is proposing to place additional trees in amounts that comply with city standards along the south, east, and west property lines.

There are existing property line buffers along at least portions of all property lines. Because expanding these buffers to comply with city standards would severely impact the vehicular circulation of this site, staff has no objection to the applicant's waiver request, which would allow the buffers to remain in their current condition. This issue is addressed within Condition #3 of staff's recommendations.

There are three existing pine trees in the west portion of the landscape buffer along the north property line, and three palm trees in the east portion. The applicant has requested to place no additional trees in this buffer, where 48 are required. This buffer area is adjacent to single family dwellings, most of which have mature trees on their side of the wall. Because these mature trees are very close to the property line, and in some cases overhang the property line, staff has determined that there is not sufficient room for the placement of additional trees on the applicant's side of the wall, and has no objection to approval of this waiver if the application is approved. This issue is addressed within Condition #4 of staff's recommendations.

The elevations for all three buildings depict stucco exteriors with concrete tile roofs and stone accents which are compatible with the existing on-site buildings.

## **FINDINGS**

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. The proposed development is compatible with adjacent development and development in the area;
2. The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;
3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;
4. Building and landscape materials are appropriate for the area and for the City;
5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;
6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

**In regard to “1”:**

The inability of the applicant to prepare a site plan that complies with the setback standards indicates that this application is too intense for the subject site and not compatible with adjacent development.

**In regard to “2”:**

The proposed development is not compatible with the setback or landscaping standards of the zoning code. While staff believes the landscaping issues are resolvable, there is no hardship associated with this site which would allow staff to recommend approval of either the setback variance VAR-18984 or this application.

**In regard to “3”:**

This project will not adversely impact adjacent streets.

**In regard to “4”:**

The building and landscape materials are typical for commercial development along this portion of Sahara Avenue.

**In regard to “5”:**

The elevations for the new buildings are compatible with the existing on-site buildings and other development in the area. However, the site plan does not comply with the setback standards and is too intense for the subject site.

**In regard to “6”:**

The proposed development will be subject to regular inspections for permitting and licensing and will; therefore, not compromise the public health, safety, and welfare.

**PLANNING COMMISSION ACTION**

There was one speaker in favor at the Planning Commission Meeting. The Planning Commission added conditions #16 and 17 as shown.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

**ASSEMBLY DISTRICT**      6

**SENATE DISTRICT**      4

**NOTICES MAILED**      381 by Planning Department

**APPROVALS**      0

**PROTESTS**      2